

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KYLIE MCKENZIE,

Plaintiff,

v.

Case No: 6:22-cv-615-PGB-LHP

UNITED STATES TENNIS
ASSOCIATION INCORPORATED
and USTA PLAYER DEVELOPMENT
INCORPORATED,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: AMENDED JOINT MOTION FOR LEAVE TO FILE
EXHIBITS TO MOTIONS FOR SUMMARY
JUDGMENT UNDER SEAL (Doc. No. 94)**

FILED: October 2, 2023

**THEREON it is ORDERED that the motion is DENIED without
prejudice.**

Yesterday, the parties filed a joint motion seeking leave to file certain exhibits to their summary judgment motions under seal. Doc. No. 92. Upon

consideration, that motion was denied without prejudice for failure to comply with the Local Rules, including Local Rules 1.11 and 3.01(a). Doc. No. 93. Now before the Court is the parties' renewed motion. Doc. No. 94. On review, the renewed motion is also due to be denied for failure to fully comply with Local Rule 1.11.

The parties seek to file under seal two categories of documents to be submitted in conjunction with their now-pending motions for summary judgment. *See* Doc. Nos. 96, 98. First, "Jane Doe's deposition transcript, and any associated exhibits or arguments that could disclose the identity of Jane Doe." Doc. No. 94, at 1. Second, "sensitive documents from the United States Center for Safe Sport," to include "investigation reports and findings of the Center" as well as "information that could lead to the discovery of the identity of Jane Doe." *Id.* at 2, 4.

The parties do not argue that filing under seal is authorized by statute, *see* Local Rule 1.11(b), and thus it appears that the provisions of Local Rule 1.11(c) apply. But, the parties nowhere state why "partial sealing, redaction, or means other than sealing are unavailable or unsatisfactory," in particular with regard to the identity of Jane Doe. *See* Local Rule 1.11(c)(3)(C). Nor do the parties comply with Local Rule 1.11(c)(5). And as it relates to the request to file under seal third-party documents that are allegedly confidential (*i.e.*, documents from the United States Center for Safe Sport), the parties cite no legal authority in support. *See* Doc. No. 94. *See also* Local Rule 1.11(c)(6). Moreover, the Court questions why the

provisions of Local Rule 1.11(d) would not apply to the request to file these items under seal. Again, the parties fail to address this provision in their motion.

For these reasons, the Amended Joint Motion for Leave to File Exhibits to Motions for Summary Judgment Under Seal (Doc. No. 94) is **DENIED without prejudice**. The parties shall file a renewed motion within **seven (7) days** of the date of this Order, which must address each of the issues outlined in this Order and must fully comply with Local Rule 1.11. Failure to file a renewed motion to seal by this deadline will result in an Order that the documents at issue be filed on the public docket.

DONE and ORDERED in Orlando, Florida on October 3, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties